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TO:	Examiner SARA W. CRANE	FROM:	DAVID J. KENEALY Cermak & Kenealy LLP
FAX:	571.273.8300	REF. NO:	ST3001-0031
VOICE:	571 272 1652	PAGES	(incl. this sheet) 16
App. No.:	10/691,705	DATE:	September 26, 2005

The undersigned hereby certifies that the following document(s) is (are) being transmitted by telefacsimile to the United States Patent and Trademark Office at the above "FAX" number, on the above DATE.

- 1) This facsimile Certification cover sheet (1 pg)
- 2) AMENDMENT IN RESPONSE TO MARCH 25, 2005 OFFICE ACTION (11 pgs.)
- 3) Amendment Transmittal with Petition for Three (3) Month Extension of Time (3 pgs)
- 4) PTO-2038 credit card authorization form for 3 month EOT petition fee (1 pg).



Adam J. Cermak  
Registration Number 40,391

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**RECEIVED**  
**CENTRAL FAX CENTER****SEP 26 2005****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Aki HIRAMOTO

Art Unit: 2811

Application No.: 10/691,705

Examiner: Sara W. CRANE

Filing Date: October 24, 2003

Attorney Ref. No.: ST3001-0031

For: OPTICAL SEMICONDUCTOR  
DEVICE

Via Fax: 571.273.8300

**AMENDMENT TRANSMITTAL FORM WITH  
PETITION FOR EXTENSION OF TIME****Mail Stop AMENDMENT**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. Transmitted herewith is an Amendment responding to the Office Action dated 25 March 2005, the period for reply to which being extended to 26 September 2005 by a petition for three-month extension of time filed herewith.
2. Additional papers enclosed:
  - ☐ Drawings: ☐ Formal ☐ Informal (Correction)
  - ☐ Information Disclosure Statement
  - ☐ Form PTO-1449, \_\_\_ reference included
  - ☐ Citations
  - ☐ Declaration of Biological Deposit
  - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

09/27/2005 MBINAS 00000029 10691705

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1020.00 0P

U.S. Patent App. No.: 10/691,705  
Attorney Docket No. ST3001-0031

### 3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicants petition for an extension of time, the fees for which are set out in 37 CFR § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$225.00
<input checked="" type="checkbox"/> three months	\$1,020.00	\$510.00
<input type="checkbox"/> four months	\$1,590.00	\$795.00

Extension of time fee due with this request: \$ 1020.00. The Commissioner is hereby authorized to charge the \$1020.00 fee due under 37 C.F.R. §§ 1.17(a) to Applicant's Representative's Charge Account indicated on the attached from PTO-2038.

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for \_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

### 4. Constructive Petition

- ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Applicant's Deposit Account listed on the original application transmittal, or to Applicant's charge account listed on the attached PTO-2038. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

U.S. Patent App. No.: 10/691,705  
Attorney Docket No. ST3001-0031

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims 37 C.F.R. §1.16(c)	<u>20</u>	minus <u>20</u> =	<u>0</u>	x \$50 each =	+ \$ 0.00
Independent Claims 37 C.F.R. §1.16(b)	<u>2</u>	minus <u>3</u> =	<u>0</u>	x \$200 each =	+ \$ 0.00
<input type="checkbox"/> First presentation of Multiple dependent claim(s)				\$390.00	+ \$ 0.00
SUB-TOTAL =					\$ 0.00
Reduction by ½ for filing by a small entity					- \$ 0.00
TOTAL ADDITIONAL CLAIMS FEE =					\$ 0.00

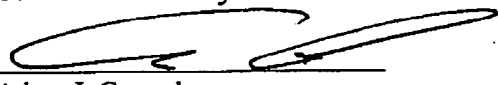
6. Fee Payment

☐ No fee is to be paid at this time.

☒ The Commissioner is hereby authorized to charge \$1,020 which represents the extension of time fee (\$1,020) to Applicant's Representatives Charge Account included on the attached Form PTO-2038.

Respectfully submitted,  
Cermak & Kenealy LLP

By:

  
Adam J. Cermak  
Registration No. 40,391

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Date: September 26, 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Aki HIRAMOTO

Application No.: 10/691,705

Filing Date: October 24, 2003

For: OPTICAL SEMICONDUCTOR DEVICE

Art Unit: 2811

Examiner: Sara W. CRANE

Attorney Ref. No.: ST3001-0031

**AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.111**

**Mail Stop AMENDMENT**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated March 25, 2005, which set a three-month shortened statutory period of response thereto which is extended to expire on September 26, 2005 by a Petition for Three (3) Month Extension of Time filed herewith, please amend the above-captioned patent application as follows.

**Amendments to the Claims** begin at page 2 of this paper.

**Remarks** begin at page 7 of this paper.